
CHAPTER 11: MIOSHA Record Keeping

11.1 Injury and Illness Record Keeping

If your facility employed ten or more persons at any given time during the previous calendar year, you are required to maintain a “*Log and Summary*” (*MIOSHA 300*) and “*Supplementary Record*” (*MIOSHA 301*) of occupational injuries and illnesses in the work place beginning the following calendar year under the ***MIOSHA Administrative Rules – Part 11, Recording and Reporting of Occupational Injuries and Illnesses***. If you have ten or fewer employees and are notified that you have been selected to participate in the annual survey, you will have to maintain records for the period of time identified. Employers in Standard Industrial Classification (SIC) Codes 55 to 67, 72, 73, 78, 81 to 84, and 86 to 89 are partially exempt from maintaining a log unless specifically asked to do so by MIOSHA. For a complete listing of partially exempt industries, please refer to Appendix A of the standard.

MIOSHA 300 is a single log of the occupational injuries and illnesses experienced by employees at your manufacturing establishment.

MIOSHA 301 is a supplementary record to *MIOSHA 300* and is used to supply additional information on all recordable injuries and illnesses.

An employer can use any other forms which contain the same information as the *MIOSHA 300* and *MIOSHA 301*. Computer software capable of generating a printout of the same information as the *MIOSHA 300* and *301* is acceptable.

The employer must post the “*MIOSHA Form 300A*,” a summary of work related injuries and illness for the previous calendar year, no later than February 1 and keep it in place until April 30. Usually, the 300A Summary Log is posted near the “*Michigan Safety and Health Protection on the Job*” poster (*CET 2010*).

The log and summary must be established on a calendar year basis and retained for five years. The records must be made available for MIOSHA inspections and to any employee, former employee, or their representative.

Guidelines for distinguishing between medical treatment and first aid, and forms for injury and illness recordkeeping, may be obtained from the Michigan Department of Consumer and Industry Services (CIS), Consultation Education and Training Division (CET) or MIOSHA Information Division.

In This Chapter . . .

- 11.1 Injury and Illness Record Keeping
- 11.2 What Must Be Recorded
- 11.3 The Difference Between First Aid and Medical Treatment
- 11.4 Reporting Fatalities and Catastrophes
- 11.5 Employee Medical Records and Trade Secrets

11.2 What Must Be Recorded

According to ***R 408.22109 (Rule 1109)***, each employer that is required to keep records of fatalities, injuries, and illnesses must record each fatality, injury, and illness that involves all of the following:

- Is work-related;
- Is a new case; and
- Meets one or more of the general recording criteria of **R 408.22112** or the application to specific cases of **R 408.22113** through **R 408.22120**.

According to **R 408.22112 (Rule 1112)**, employers must consider an injury or illness to meet the general recording criteria, and therefore be recordable, if it results in any of the following:

- Death;
- Days away from work;
- Restricted work or transfer to another job;
- Medical treatment beyond first aid; or
- Loss of consciousness.

You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in the above-listed criteria.

Determination of Work-Relatedness

According to **R 408.22110 (Rule 1110)**, employers must consider an injury or illness to be work related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in **Rule 1110(2)(b)** specifically applies.

Travel Status

How do I decide whether an injury or illness is work related if the employee is on travel status at the time the injury or illness occurs? Injuries and illnesses that occur while an employee is on travel status are work related if, at the time of the injury or illness, the employee was engaged in work activities “in the interest of the employer.” Examples of such activities include travel to and from customer contacts; conducting job tasks; and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet any of the exceptions listed in the table on page 15-4 [**Rule 1110(2)(f)**].

Telling the Difference Between Occupational Injuries and Illnesses

According to **R 408.22107**, occupational injury is a result of a work accident or from an exposure involving a single incident in the work environment and includes cases such as, but not limited to, a cut, fracture, sprain, or amputation. Occupational illnesses include both acute and chronic illnesses, such as, but not limited to, skin disease, respiratory disorder, or poisoning.

Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the recording criteria discussed earlier.

11.3 The Difference Between First Aid and Medical Treatment

Medical treatment is the management and care of a patient to combat disease or disorder. For the purposes of MIOSHA record keeping and reporting of occupational injuries and illnesses, medical treatment does not include any of the following:

- Visits to a physician or other licensed health care professional solely for observation or counseling.
- Conducting diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes, e.g. drops to dilate pupils.

Though not applicable in every situation, the following cases could be considered under these categories:

First Aid (one-time observation or treatment – can be professionally administered):

- Use of eye patches
- Tetanus immunization
- Hot or cold therapy

Medical Treatment (professional medical treatment):

- Nonprescription medicine used at prescription strength
- Physical therapy
- Sutures, staples, other wound-closing devices

11.4 Reporting Fatalities and Catastrophes

As an employer, you are required to notify the CIS, Bureau of Safety and Regulation, within eight hours of a fatality or any in-patient hospitalization of three or more employees suffering an injury or illness from a single incident.

11.5 Employee Medical Records and Trade Secrets

The ***MIOSHA General Industry Occupational Health Standards – Part 470, Employee Medical/Exposure Records (R 325.3451-3476)*** requires that all employee medical records be maintained for a minimum of 30 years after their last year of employment. These records include:

- Medical and employment questionnaires or histories, including job descriptions and occupational exposures.
- Results of replacement, periodic, or episodic medical examinations and laboratory tests, including x-ray examinations and all biological monitoring.
- Medical opinions, diagnoses, progress notes, and recommendations.

Section Two—MIOsha Regulations

- Description of treatments and prescriptions, including first aid records.
- Employee medical complaints.
- Death certificates.

Generally, employee exposure records must be maintained for not less than 30 years. Specific exceptions are noted in the standard. Employee exposure records include:

- Work place environmental monitoring or measuring, including personal, area, grab, wipe, or other forms of sampling; and related collection and analytical methodologies, calculations, and other background data relevant to the interpretation of the results obtained.
- Biological monitoring results that directly assess the absorption of a substance or agent by body systems, such as the level of a chemical in the blood, urine, breath, hair, or fingernails, but not including results that assess the biological effect of a substance or agent.
- Material safety data sheets.
- In the absence of information identified in the three above, any other record, such as chemical, common, or trade name, that reveals the identity of a toxic substance or harmful physical agent.

Records can be kept in any location that is accessible within 15 working days or less of request for such information. Please refer to the rules for further information pertaining to record keeping access and trade secrets.